REMARKS

Claims 122-165 and 174-178 are pending, with claims 122, 157, and 174 being independent. Claims 174-178 have been previously withdrawn; claims 166-173 have been cancelled; and claims 122, 129, and 130 have been amended. No new matter has been added.

Applicants acknowledge with appreciation the Examiner's indication that claims 137-139 are directed to allowable subject matter.

Claim 122 has been objected to as including a typographical error. Applicants have amended claim 122 to correct the error. Applicants, therefore, request reconsideration and withdrawal of this objection.

Claims 129 and 130 have also been amended to correct a typographical error.

The amendments to claims 122, 129 and 130 are merely to correct typographical errors and, therefore, do not introduce any new issues that require further search or consideration by the Examiner. Accordingly, applicants respectfully request entry of these claim amendments.

Claims 166-173 have been rejected as being directed to non-statutory subject matter. Claims 166-173 have been canceled, rendering this rejection moot. Accordingly, applicants request reconsideration and withdrawal of this rejection.

Claims 124 and 130, which depend from claim 122, have been rejected as failing to comply with the enablement requirement. With respect to claim 124, the Examiner asserts that claim 124, which recites "wherein all of the data slices of the third multimedia object are progressively rendered before any of the data slices of the first and second multimedia objects are progressively rendered," is not enabled because:

> it is impossible that all of the data slices of the third multimedia object are progressively rendered before any of the data slices of *the first and second multimedia objects are progressively rendered.* As recited in claim 122, the *data slices of the first and second multimedia objects are progressively rendered* before all data slices of the first and second multimedia objects are received, and the data slices *of the third multimedia object are progressively rendered* only after a sufficient amount of the data slices of the third multimedia objects are received to enable rendering the third object. Thus, based on claim 122, it appears that the third multimedia object can not be rendered before the rendering of the first and second multimedia object.

(Office Action, page 3). Applicants disagree with the Examiner's assertion that claim 124 is not enabled. Applicants refer the Examiner at least to pages 18, 19, and 21 and Fig. 6 of the application for a description that enables one skilled in the art to practice claim 124. Applicants also disagree with the Examiner's assertion that "it is impossible" to practice claim 124.

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As one specific example, all of the data slices of the third multimedia object may be non-interleaved (e.g., the third multimedia object may be a "temporal" file) and contained in a first choreography group 610 of a bit stream (see Fig. 6). The data slices of the first and second multimedia objects may be interleaved together and contained in a second choreography group 610 of the bit stream for delivery at a later point in time. In this specific example, all of the data slices of the third multimedia object are received as part of the first choreography group prior to receipt of the later delivered second choreography group that contains the data slices of the first and second multimedia objects. Accordingly, all of the data slices of the third multimedia object may be rendered prior to receiving, and certainly prior to rendering, any of the data slices of the first and second multimedia objects. Yet, the data slices of the <u>third multimedia object</u> may still be progressively rendered only after a sufficient amount of data slices of the <u>third multimedia object</u> are received to enable rendering, and the data slices of the <u>first and second multimedia objects</u>, which are received after the rendering of all of the data slices of the *third multimedia object*, may still be progressively rendered before all data slices of the <u>first and second multimedia objects</u> are received.

For at least these reasons, applicants request reconsideration and withdrawal of the rejection of claim 124.

With respect to claim 130, the Examiner asserts that claim 130, which recites "wherein the rendering of the first, second, and third objects is delayed until all of the data slices of the third object are received by the recipient," is not enabled because:

> it is impossible that rendering of the first, second, and third files be delayed until all of the objects of the third file are received by the recipient. As recited in claim 122, the *data slices of the first and second multimedia objects are progressively rendered* <u>before</u> all data slices of the first and second multimedia objects <u>are received</u>, and the data slices *of the third multimedia object are progressively rendered* <u>only after</u> a sufficient amount of the data slices of the third multimedia objects <u>are received</u> to enable rendering the third object. Thus, based on claim 122, it appears that the first and second multimedia objects are rendered before rendering of the third multimedia object, and thus such delay does not happen.

(Office Action, page 4). Applicants disagree with the Examiner's assertion that claim 130 is not enabled. Applicants refer the Examiner at least to pages 18, 19, and 21 and Fig. 6 of the application for a description that enables one skilled in the art to practice claim 130. Applicants also disagree with the Examiner's assertion that "it is impossible" to practice claim 130.

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As one specific example, all of the data slices of the third multimedia object may be non-interleaved and contained in a first choreography group 610 of a bit stream (see Fig. 6). The data slices of the first and second multimedia objects may be interleaved together and contained in a second choreography group 610 of the bit stream. The second choreography group 610 may be delivered by the bit stream subsequent to the delivery of the first choreography group 610. Therefore, all of the data slices of the third multimedia object may be received as part of the first choreography group prior to receipt of the later delivered second choreography group that contains the first and second multimedia objects. Accordingly, in this specific example, the bit stream may be structured such that the rendering of the third multimedia object is delayed until all of the data slices of the third multimedia object in the first choreography group have been received by the recipient, and the rendering of the first and second multimedia objects, which are subsequently received by the recipient as part of the later delivered second choreography group, are also therefore delayed until all of the data slices of the third multimedia object have been received. Yet, the data slices of the third multimedia object may still be progressively rendered only after a sufficient amount of data slices of the third multimedia object are received to enable rendering, and the data slices of the first and second multimedia objects, which are received after the rendering of all of the data slices of the *third multimedia object*, may still be progressively rendered before all data slices of the first and second multimedia objects are received.

For at least these reasons, applicants request reconsideration and withdrawal of the rejection of claim 130.

Independent claims 122 and 157, along with their dependent claims 123, 125-129, 132, 134-136, 140, 143-146, 153-156 and 158-165, have been rejected under 35 U.S.C. § 103(a) as being obvious over Near (U.S. Patent No. 5,995,091). Applicants respectfully traverse this rejection.

Independent claim 122 relates to a method of streaming multimedia objects encapsulated into a multimedia document and recites, among other things, "interleaving data slices of the first and second multimedia objects with each other..." and "adding data slices of the third multimedia object to the multimedia object without interleaving the data slices of the third multimedia object with data slices of other objects in the multimedia document" (emphasis added). Near fails to describe or suggest at least these features of claim 122.

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As stated in the response to the Office Action of January 14, 2005, in the multimedia system of Near, images and sounds are always interleaved for playback. (Near at col. 7, line 37 to col. 8, line 27). As such, Near does not describe or suggest, and indeed teaches away from, "adding data slices of the third multimedia object to the multimedia document <u>without</u> <u>interleaving</u> the data slices of the third multimedia object with data slices of other objects in the multimedia document" (emphasis added), as recited in claim 122.

The Examiner, however, asserts that this features is described by Near, stating:

> -adding the data slices of the first and second multimedia objects to the multimedia document without interleaving the data slices of the third multimedia object with data slices of other objects in the multimedia document (col. 9, lines 21-67, col. 13, lines 1-34: interleaving multimedia objects and adding these objects to the multimedia document; some separate audio and video are combined to reproduce the playback output shows that said separate audio and video are added to the multimedia document playback without interleaving)

(Office Action, page 5). Contrary to the Examiner's assertion, however, Near does not describe or suggest that "separate audio and video are added to the multimedia document playback without interleaving," much less describe or suggest the recited feature.

In col. 9 lines, 21-67, Near describes the operation of an interleaver element that builds an *interleaved* playback stream. Fig. 2 of Near shows the structure of the *interleaved* playback stream as including headers, commands, time stamps, and image data portions and sound data portions. Accordingly, Near only describes playback of *interleaved* image and/or audio data, not playback of non-interleaved image and/or audio data, as asserted by the Examiner.

Near also describes the operation of a manager software engine 401 which scans the interleaved playback data stream, parses the data stream, and sends the various image data portions and/or sound data portions to a video engine 413 and/or an audio engine 415, respectively, for playback. See col. 11, line 51 to col. 12, line 6. Notably, the operation of the manager software engine 401 is specifically premised on the existence of a playback data stream having the structure described previously, i.e., a playback data stream having an *interleaved* structure like that shown in Fig. 2.

In col. 12, line 52 through col. 13, line 34, Near describes a system that receives multiple playback data streams in parallel from multiple different data sources 701, 702, 703 and 704. All of the playback data streams are *interleaved* data streams, as they are each processed by the same manager software engine 401 described previously by Near. See also Fig. 7 of Near. The

manager software engine 401 parses each of the multiple *interleaved* playback data streams, and queues the various image data portions and/or sound data portions to be passed at the appropriate time to an audio and/or video software engine of one of multiple run-time instances 705, 706, 707, and 708. The multiple run-time instances 705, 706, 707, and 708 perform operations in parallel to provide separate "tracks" of audio and/or image playback output. The separate tracks of audio and/or images are then combined by an audio mixer 710 or an image composite engine 712 to form a combined output.

Notably, contrary to the Examiner's assertion, Near does not describe or suggest that "separate audio and video are added to the multimedia document playback without interleaving." Rather, all of the audio and video described by Near is delivered in a specifically formatted *interleaved* playback data stream, and accordingly, Near fails to describe or suggest, and in fact teaches away from, a method of <u>streaming</u> multimedia objects that includes "adding data slices of the third multimedia object to the multimedia document <u>without interleaving</u> the data slices of the third multimedia object with data slices of other objects in the multimedia document," as recited in claim 122.

For at least these reasons, applicants request reconsideration and withdrawal of the rejection of claim 122, and its dependent claims 123, 125-129, 132, 134-136, 140, 143-146, and 153-156.

Independent claim 157 relates to a computer implemented device for <u>streaming</u> multimedia objects encapsulated into a multimedia document, and recites, among other things, instructions for "interleaving data slices of the first and second multimedia objects with each other" and "adding data slices of the third multimedia object to the multimedia object <u>without interleaving</u> the data slices of the third multimedia object with data slices of other objects in the multimedia document" (emphasis added). For at least the reasons discussed above with respect to claim 122, independent claim 157, and its dependent claims 158-165, are patentable over Near.

Previously presented claims 131, 133, 141, 142, 147-152, which depend from claim 122, have been rejected, under 35 U.S.C. § 103(a), as being obvious over Near in view of one of Cave (U.S. Patent No. 5,943,046), Shaw et al., <u>Microsoft Office 6-in-1</u>, Johnson (U.S. Patent No. 5,892,847), and Caire (U.S. Patent No. 5,663,962). Cave, Shaw, Johnson, and Caire do not cure

any of the deficiencies discussed above with respect to Near. Accordingly, claims 131, 133, 141, 142, 147, 148, and 149-152 are patentable over Near, Shaw. Johnson, and Caire.
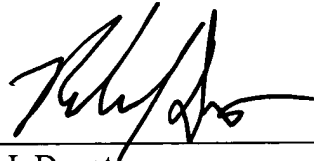
Applicant respectfully requests allowance of all claims. Applicant does not acquiesce to the characterizations of the art in the Office Action. For brevity and to advance prosecution, however, Applicant has not addressed all characterizations of the art, but reserves the right to do so in further prosecution of this or a subsequent application.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 2/1/06

Roberto J. Devoto
Reg. No. 55,108

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

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